

REMARKS

Initially, Applicants would like to thank the Examiner for indicating the allowability of claims 7-9, 14-16 and 21, if rewritten into independent form to include all of the limitations of base and intervening claims.

Applicants again note that the Examiner did not affix his initials next to citations to English language Abstracts on PTO-1449 forms submitted with the Information Disclosure Statements filed on May 23, 2005 and January 5, 2005. Accordingly, with the next Official Action, the Examiner is again requested to affix his initials next to citations to English language Abstracts on PTO-1449 forms submitted with the Information Disclosure Statements filed on May 23, 2005 and January 5, 2005, and to return to Applicants a copy of the initialed PTO-1449 to confirm consideration of these documents.

In the outstanding Final Official Action, claims 1-2, 6, 10, 13, 17 and 20 were rejected under 35 U.S.C. §102(b) over KIM (U.S. Patent No. 5,396,776). Claims 3-4, 11-12 and 18-19 were rejected under 35 U.S.C. §103(a) over KIM, in view of the Examiner's taking of Official Notice. Claim 5 was rejected under 35 U.S.C. §103(a) over KIM, in view of NISHIHARA et al. (U.S. Patent No. 6,044,652). Claims 7-9, 14-16 and 21 were objected-to as being dependent upon a rejected base claim, but were otherwise indicated to be allowable if rewritten into independent form to include all of the limitations of base and intervening claims.

Upon entry of the present amendment, claims 7 and 21 will have been cancelled without prejudice to or disclaimer of the subject matter recited therein. Claim 1 will have been amended to include substantially all of the features previously recited in claim 21, and claim 6 will have been amended to include substantially all of the features previously recited in claim 7. Additional claims will have been amended to eliminate noted informalities and to change dependency in accordance with the above-noted amendments to claims 1 and 6.

In view of the herein-contained amendments and the previous indication of the allowability of claims 7 and 21 (now cancelled), each of claims 1 and 6 is in condition for allowance. Further, each of claims 2-5 and 8-12 is allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

The rejection of claim 13 is traversed. In this regard, the previous Response under 37 C.F.R. §1.111 filed on May 22, 2006 pointed out features of claim 13 which are not recited in independent claims 1 or 6. However, these additional features of claim 13 were not addressed in the outstanding Final Official Action, and no explanation has been provided as to why the Examiner believes such features are disclosed in KIM.

In particular, claim 13 recites "varying a heat generating rate of the heater with a capacity of a plurality of indoor units". KIM fails to disclose or suggest these feature of claim 13. Rather, as explained in the previous Response under

37 C.F.R. §1.111 filed on May 22, 2006, KIM merely discloses driving a compressor and a heater at a maximum when an outdoor temperature is below a threshold to increase heating capacity. A heat generating rate of the heater in KIM is increased to increase the heating capacity, but the heat generating rate is not varied with a capacity of the indoor units. Accordingly, KIM does not disclose "each and every" feature recited in claim 13 as would be required for the rejection of claim 13 under 35 U.S.C. §102 over KIM to be proper.

Accordingly, independent claims 1, 6 and 13 are allowable at least for the reasons set forth above. Dependent claims 2-5, 8-12 and 14-20 are allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

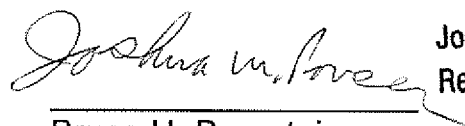
SUMMARY AND CONCLUSION

A sincere effort to place the present application in condition for allowance has been made. All independent claims save one have been amended into a form indicated as allowable in the Final Official Action, and an explanation has been provided as to how the combination of features recited in the lone unamended independent claim are not disclosed or suggested by the documents applied in the Official Action. Accordingly, a clear evidentiary basis for the patentability of each claim in the present application has been presented.

Any amendments to the claims which have been made by this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should there be any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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